

Remarks

Claims 1-24 are pending in the captioned application. Applicants have amended claim 14 to correct both an obvious typographical error and its dependency from currently withdrawn claim 1. Applicants have also added new dependent claim 25. Claim 25 is drawn to a nucleic acid molecule, and depends on claim 11. Claim 11 is also drawn to a nucleic acid molecule. Support for this amendment is found on page 11 of the specification of the captioned application.

Applicants respectfully submit that the amendments to the claims are fairly based on the specification and respectfully request their entry.

The Examiner has required restriction to one of the following inventions under 35 USC 121:

- I. Claims 1-10, drawn to a fluorescent protein, classified in class 530, subclass 350.
- II. Claims 11-18, drawn to a nucleic acid molecule, classified in class 536, subclass 23.1.
- III. Claim 19, drawn to a method of measuring the expression of a protein, classified in class 435, subclass 4.

IV. Claims 20, drawn to a method of determining the cellular and/or extracellular localization of a protein of interest, classified in class 435, subclass 70.1+.

V. Claim 21-24, drawn to a method of comparing the effect of one or more test substances on the expression and/or localization of one or more different proteins, classified in class 435, subclass 6.


The Examiner states that the inventions are "distinctive, each from the other" for a number of reasons.

In response to the Examiner's restriction requirement, Applicants elect, without traverse, to prosecute the inventions of Group II, namely claims 11-18 and 25, drawn to a nucleic acid molecule. Applicants withdraw all other claims from consideration. Applicants respectfully submit that dependent claim 25, drawn to a nucleic acid molecule, belongs to the elected group.

This election is made without prejudice to the Applicants' right to file divisional application(s) to the non-elected claims. Cancellation of the non-elected claims will be accomplished after a Notice of Allowance of the elected claims is received.

Applicants believe that the elected claims, as written, are in allowable form and earnestly solicit their allowance.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 12, 2003.

Signature: _____

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Melissa Leck